

**BRASS & CORDOVA**  
**EDWARD K. BRASS (432)**  
Attorney for the Defendant  
175 East 400 South, Suite 400  
Salt Lake City, Utah 84111  
Telephone: (801) 322-5678  
Facsimile: (801) 322-5677

---

**IN THE UNITED STATES DISTRICT COURT**  
**IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

**THE UNITED STATES OF AMERICA,**

Plaintiff,

v.

**NATHAN WARD,**

Defendant.

**POSITION OF PARTY WITH RESPECT  
TO SENTENCING FACTORS**

Case No. 1:17CR00060-001

Judge Benson

Dr. Ward, by his attorney, gives notice that he has no objection to the presentence report prepared and filed in this matter on June 15, 2018, except as is set forth below:

1. The enhancement contained in paragraph 30 should be removed. USSG 2G2.1(b)(1) applies only to minors “who had **not** attained the age of 12 years”. Paragraph 14 states that the abuse in this case began “from the time she was 12 years old”. Further, Dr. Ward would state that the abuse to which he has admitted began two years later. In either case, the enhancement does not apply.
2. Eliminating the four level enhancement would change paragraph 41 to a total offense level of 35.
3. Eliminating the four level enhancement would change the guideline in paragraph 71 to

168-210 months.

4. It should also be noted that as is set forth in the section entitled “Related Cases”, the other participant in Dr. Ward’s offense was sentenced to a term of 144 months for the same conduct. As the Basic Approach (Policy Statement) to the Guidelines asserts, one of the purposes of the adoption of sentencing guidelines was to achieve “reasonable uniformity in sentencing by narrowing the wide disparity in sentences imposed for similar criminal offenses committed by similar offenders.”
5. Finally, the 15 year minimum mandatory sentence in this case would fall in the middle of the correct guideline of 168-210 months and would satisfy all of the policy purposes of 18 U.S.C. §3553.

DATED this 19<sup>th</sup> day of July, 2018.

/s/ EDWARD K. BRASS

EDWARD K. BRASS

Attorney for the Defendant

**ELECTRONIC FILING CERTIFICATE**

I hereby certify that a true and correct copy of the foregoing Position of Party with Respect to Sentencing Factors was filed electronically and caused to be served by electronic notice to all parties listed below on this July 19, 2018.

/s/ Maria J. Montoya

United States Attorney’s Office  
111 South Main Street  
Salt Lake City, Utah 84111

Ms. Stacey Hirata  
U.S. Probation  
United States Courthouse  
350 South Main Street #160  
Salt Lake City, Utah 84101